Joe Galbreath

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RECORD OF COMMUNICATION

☐ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)
(Record of item checked above)

TO: Beth Harris

FROM: Jack Crabley

DATE 1/8/85

TIME

SUBJECT
McDonnell Douglas 20 mm ammo disposal

SUMMARY OF COMMUNICATION

Terry Wehling with McDonnell Douglas 314-234-7722 called re an interpretation that certain ammunition was not considered a reactive waste under RCRA. He has some 20 mm ammo that needs to be disposed of. Remington arms advised him that someone in EPA had said that this type of ammo was not reactive. He gave me a name (Ron Lagowin) at Remington Arms in Illinois (816-796-7446). I called Ron at once & was advised that they had a Dec 13, 1984 letter from Dave Wagner with this interpretation. (Copy attached). He said they make several types of ammo in the 20 mm size and that the ammo McD-D had was not explosive on impact & was class C. I called Wehling back & told him he should write for an interpretation to Bob Morby.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

INFORMATION COPIES
TO: Chet, Bob

R00144334
RCRA RECORDS CENTER

DEC 18 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Department of the Army
Lake City Army Ammunition Plant
Independence, Missouri 64050

Attention: Lieutenant Colonel Richard G. Palaschak
Ord. C
Commander/COR
EPA I.D. No. MO4213820489

Dear Colonel Palaschak:

DEMAND LETTER

The purpose of this letter is to address outstanding issues concerning the handling of hazardous waste at the Lake City Army Ammunition Plant (LCAAP) and to address deficiencies found during hazardous waste compliance inspections conducted at LCAAP on May 31, 1984 by GCA Corporation, an Environmental Protection Agency (EPA) contractor; and June 11, 12, and 13, 1984, by EPA personnel.

Outstanding issues to be addressed are as follows:

(1) This regional office recently received verbal notice from EPA's Office of Solid Waste that off-specification munitions classified by the U.S. Department of Transportation (DOT) as Class C explosives do not meet the definition of a reactive hazardous waste as defined at 40 C.F.R. §261.23 and 10 CSR 25-4.010(4). Since you agreed in your July 6, 1984 letter to handle other off-specification munitions that are classified as waste and do meet the definition of a reactive hazardous waste at 40 C.F.R. §261.23 and 10 CSR 25-4.010(4) this no longer remains an issue. EPA will also use its enforcement discretion and not require LCAAP to meet existing Interim Status regulations that require hazardous waste to be stored in closed containers for those off specification munitions that are classified as hazardous waste. Our discretion is contingent upon LCAAP following all standard safety precautions for handling such explosives after they are designated as waste.

(2) The revised closure plans for the previously closed hazardous waste storage areas, submitted by LCAAP on July 27, 1984, have been reviewed. Our only remaining comment concerning these plans is that LCAAP should ensure that when soil samples of the former storage areas are taken that the former base of these areas is also sampled. Simply taking a sample of the top six inches of soil may not address soil contamination at the former storage area base.

If LCAAP will submit documentation to EPA that the closure plans have been revised to reflect this change, LCAAP can then implement the plans.

Title 10 CSR 25-7.011(11)(B)(2) cross-referenced to 40 C.F.R. §265.91, requires in part that; groundwater monitoring wells be installed so that they detect any statistically significant amounts of hazardous waste that migrate from the waste management area to the uppermost aquifer.

As a result of GCA Corporation's May 31, 1984 review of the existing groundwater monitoring system at LCAAP, it was determined that the system may not be meeting this requirement. Specifically:

1. GCA's inspection noted that the surface impoundment dikes near Well MW 2-2 had been built up so that the well was actually located in a four foot depression. This particular situation along with the lack of a concrete collar around the well guard pipe could lead to surface water run-off entering the well and affecting the sampling results.

2. It was noted during the inspection that the vent holes in some of the monitoring wells were buried, specifically Wells MW 4-3, and MW 5-3 which had water in the annulus space. Again it is believed that this situation could lead to surface water run-off entering the well annulus and possibility affecting the sampling results.

3. When measurements of well depths were made during the inspection and compared to the as-constructed depths it revealed that all the wells in Area C, all but MW 5-2 in Area B, and MW 1-7 and MW 1-8 in Area A, appear to have silted-in to a significant degree (>2.0 feet). The wells in which virtually the entire screened interval is silted-in, primarily those in Area B, may no longer be capable of adequately sampling the screened portion of the aquifer and hence may not be capable of detecting groundwater contamination.

4. An assessment of the hydrogeology of Area B indicates that the creek that bisects this area receives groundwater from both the east and the west sides of the creek. This being the case, Area B cannot be designated as a true waste management area and should be divided into two areas with an upgradient well added to the system to monitor the impoundment on the west side of the creek. This re-designation of waste management areas will also require an additional downgradient well at the impoundment on the west side of the creek.

Although Wells MW 4-1 and MW 4-3 appear to be located to adequately address the northern and southern lagoons, it is felt that these wells do not adequately monitor possible contamination from the two middle lagoons.

Based on our findings during this inspection EPA requests that LCAAP take the following actions to address the noted deficiencies:

(1) Within 45 days of receipt of this letter take steps to ensure that surface water does not enter the monitoring wells. This can be accomplished by constructing concrete collars around the well casings to promote surface water drainage away from the well casing and installing new vent holes in the guard pipes and casings where the vent holes have been plugged or buried.

(2) Within 45 days of receipt of this letter, determine the amount of silt in each well and for those wells with greater than 2 feet of silt, remove the silt and redevelop the wells to ensure that all fines in the vicinity of the well screen have been removed.

(3) Immediately after redeveloping those wells, resample the wells and determine if the silt in each well was affecting previously obtained sampling results. Submit these sampling results to EPA and the Missouri Department of Natural Resources (MDNR).

(4) Within 60 days of receipt of this letter, add an upgradient well and an additional downgradient well for those surface impoundments on the west side of Area B.

(5) Within 7 days after installing the wells, sample them in accordance with the requirements of 40 C.F.R. §265.92 and submit the results to EPA and MDNR.

Continue to monitor all the wells on the west side of Area B as a separate waste management area in compliance with 40 C.F.R. Part 265, Subpart F.

EPA has reviewed the inspection report from EPA's June 11-13, 1984, compliance inspection at LCAAP and your response, dated June 22, 1984, to the Notice of Violation (NOV) issued during the inspection. EPA has determined that the following violations remain at the facility.

1. The three hazardous waste surface impoundments near Building 83, designated as items 2a, 2b, and 2c on the most recent Part A application, had less than 2 feet of freeboard in violation of 10 CSR 25-7.011(11)(B)(2) cross-referenced to 40 C.F.R. §265.222.

2. It was noted during the inspection and documented in the NOV issued to LCAAP, that there was poor or inadequate cover on surface impoundment diking, in violation of 10 CSR 25-7.011(11)(B)(2) cross-referenced to 40 C.F.R. §265.223. Please note that it was intended that this citation also address inadequate or poor covere at surface impoundments which were not undergoing dike reconstruction (i.e., impoundments designated as Item 2c and Item 3).

3. On June 20, 1983, EPA sent a letter to Mr. J. V. Weatherspoon, Manager, Safety and Environmental Affairs, Remington Arms Company, outlining our use of enforcement descretion in allowing LCAAP/Remington Arms to store a listed hazardous waste sludge in an unregulated sanitary landfill located on-site until a final determination was made concerning the previously submitted delisting petition for this waste. Mr. Weatherspoon acknowledged the conditions for storage of this waste and Remington Arms Company's liabilities in this matter in a letter to EPA dated August 1, 1983. Copies of both letters are attached.

In a recent conversation with EPA Waste Identification Branch personnel, who are responsible for reviewing Remington's delisting petition for the hazardous industrial wastewater treatment sludge, we were told that they have not received any response to a letter sent to Mr. Bruce Firman, Remington Arms Company on July 11, 1984, copy also attached, which requests additional information concerning this waste. This information is necessary before a final determination can be made concerning the petition. It is the Regional Office's position that our continued use of enforcement discretion in this matter is contingent upon Remington Arms/LCAAP continued pursual of a decision by EPA Waste Identification Branch on this petition. Withdrawal of our discretion would require that the listed wastewater sludge be removed from the sanitary landfill and handled and disposed of in a manner consistent with state and federal hazardous waste regulatory requirements.

4. 10 CSR 25-4.010(1)(A) requires in part that all generators of waste shall evaluate their waste to determine if it meets the definition of a hazardous waste. It was determined during the inspection that waste residues generated at the present burning ground system had not been evaluated to determine if this waste was hazardous.

It is requested that LCAAP take the following actions to correct these deficiencies:

(1) Within 30 days of receipt of this letter, reduce the level of wastes in surface impoundments designated as Items 2a, 2b, and 2c so that greater than 2 foot freeboard is attained.

(2) Within 60 days of receipt of this letter, ensure that all surface impoundments have a protective cover to minimize wind and water erosion and to preserve their structural integrity.

(3) Within 30 days of receipt of this letter submit an acceptable response to the request from Kathy Margolis, EPA, dated July 10, 1984. This response should be sent to Mr. David Topping, Waste Identification Branch, WH-562B, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. Failure to properly respond to this letter could lead to this office withdrawing our enforcement discretion on this matter.

(4) Within 45 days of receipt of this letter, determine if residues generated at the burning ground are a hazardous waste. Please note that if this waste is determined to be hazardous, subsequent handling of the waste must be done so in accordance with all applicable state and federal hazardous waste requirements.

It is requested that, within 30 days of receipt of this letter and every 30 days thereafter, until each deficiency noted above is complied with, documentation describing the compliance status of each deficiency be submitted to this office.

Please submit these reports to David Doyle, Air and Waste Compliance Branch, U.S. EPA, 324 East Eleventh Street, Kansas City, Missouri 64106.

If you have any questions concerning this matter, please call Mr. Doyle at 374-7133.

Sincerely yours,

David A. Wagoner
Director
Air and Waste Management Division

Attachments

cc: Art Kroner
Missouri Department of Natural Resources
and
David Topping (WH-562B)
EPA - Washington DC

bcc: Robert Morby WMBR
Joe Galbraith WMBR
John Bosky ENSV
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